

YOUR TOWN HALL

Once again, the March 1st workshop meeting was unusual from almost all others because so many people came and a decision was made to relocate the meeting to the courtroom. At previous overcrowded meetings, people were forced to stand in the hallway, even after requests to move to the courtroom. This evening's decision was made by the Administrator, Tony Mercantante, before the Committee entered the room.

The meeting began with the Mayor announcing that the letter the administrator was directed to write to the Board of Education at the February 16 meeting, was sent at 5PM today. He then had the public speak first.

Public Comments

Mary Mahoney read a [letter](#) from Jeff Blumengold regarding the construction of turf fields at West Front Street Park (WFSP). Jeff stated that the letter the mayor directed the administrator to write at the last meeting reopening discussion with the BOE has not been received. Mr. Blumengold was assured by the mayor that the letter had been edited but a copy was not delivered to him as promised. Jeff said the SONIC group was assured that the turf field project was on hold but said statements made by township staff indicated it is not on hold. He asked the mayor to provide details of what had transpired over the past two weeks. The Mayor had no response other than saying his opening remarks addressed Mr. Blumengold's letter.

Peter Simpson mentioned that a tall chain link fence and all the amenities sound like a used car lot. He asked the Mayor if a used car lot would be appropriate at this park. The Mayor responded by asking Mr. Simpson to make his statement. Mr. Simpson asked if the state noise control act, which states that there is to be no ambient noise above 65 decibels after 10 PM was considered? The mayor said they have considered everything within the law.

Deputy Mayor Fiore addressed the letter to the BOE comments from last meeting to allow 6 games at HS South. He said that if the BOE had allowed these game to play at HS South there would be no need for lights and a PA system at WFSP. Mr. Fiore said that that satisfies what he has heard over the last month. He saw an email from the Charger

Pop Warner group stating a lot of different reasons why they can't leave Trezza Field. Let letter to BOE go to them & respond before public sees it. Then he asked T&M Engineer Rob Keady to respond.

Mr. Keady said that in 2005-2006 T&M was asked to do a study on wetlands at Trezza. Due to the extent of the wetlands the field could not be built there.

Mr. Fiore restated his position of working with the BOE and he saw 10-12 conditions why they can't leave Trezza field for WFSP. Mr. Fiore said that it is now in the hands of the BOE to allow the Chargers to play at HS South.

John Sabatos said the original bond mentioned 3 specific fields: Trezza, Nutswamp and Croydon Hall - not WFSP. The Mayor interrupted to explain that that meant that the bond could not be used for any other purpose than turf fields. It can be used for other sites, though. Mr. Sabatos said the bond is deceiving to the public. At the last meeting he heard how many fields were in disrepair and urged the Township to use the bond to repair the existing fields. He wanted to know if Trezza Field has partial wetlands, then why was it listed in the original bond ordinance. The Mayor had no comment.

Alan Vrabel said the plan for Tezza wasn't feasible (by Keady). He wanted to know if the plan was changed or modified would it fit at Trezza. Mr. Vrabel said that a complete wetlands study was not conducted at Trezza field. He said that if the field was reconfigured, additional parking plus the field would fit at Trezza field. An engineering map was brought out by Mr. Mercantante that showed a baseball field in the middle of the wetlands and that is why the report said the football field would not fit. Tony Mercantante said the field that was proposed was designed for football only and the town is looking for a multi-purpose field. He went on to say that if a football field were to be built, then the baseball fields would go away. A large number in the audience disagreed.

Howard Brey said the repairing of existing fields won't work because \$190k would only last a couple years. He said that the football field at Croydon Hall does not get used 8 months out of the year. It is dormant because there are no baseball fields attached to it. Mr. Brey said that one thing that

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bothers him is that there are still no fields at Clearwater because of Atlantic Highlands and we must move forward as a town.

Edgar Cruz, President of the Middletown Athletic Club, read a prepared letter supporting the turf fields and said WFSP doesn't affect Croyden Hall directly but does affect timing of their field. He said we have a family oriented town and he wants to stay in town. He feels a sports complex is a good selling point for homeowners and will increase the value of the homes in the area.

Michelle Sassano agreed with Edgar except for location. To say that they are selfish is ridiculous and unjustified. She agreed with the Deputy Mayor about games being allowed at HS South.

Bob Banza a 16 year resident of Belford who has coached many teams stated there are 675 kids registered and they expect 150 more late registrations. He said the BOE proposal is great. He deals with the Belford Ferry commuter traffic daily and would trade this for weekend game traffic.

Kevin O'Rielly, the Chargers Vice President said 8 things are needed to make this work. He said that he wished that the township officials would have talked to them first about why HS South would not work. They want to stay at Charger Field. HS South will not work because games are played Sunday, Monday and Wednesday and is controlled by Pop Warner. HS South does not have the facilities needed. He went on to say that revenue from snack bar is used to buy equipment (\$ 5-7k per game). Committeeman Sean Byrnes said there was a recreation study last year but the town has not implemented the plan. Mr. Byrnes said that a lot of money is spent on recreation in Middletown and that \$2M alone is spent on Parks and Rec. salaries. He did not feel that the fields are being maintained as they should. He said we have to compare the demand for fields for all sports and figure out where to put them. Mr. Byrnes has not seen any information to help him make a clear decision on where to put the fields. He repeated that we need to sit with BOE and discuss all of the recreation programs within the town. Tony Fiore asked the Administrator if they don't put lights on WFSP can we use the funds to upgrade BOE fields? Tony Mercantante said we might need a separate bond

ordinance to fund it. It would require long term negotiations with the BOE.

James Cody, a member of the Charger program asked Tony Fiore about playing at HS South and practicing at Charger field. Tony said that he understands that a multi purpose turf field at Charger field is not going to fit and the football field at HS South is 99% booked. Mr. Cody suggested that the Committee just leave them at Charger Field. Mr. Fiore said they don't want to displace a group but a turf field just won't work at Charger Field. They are just trying to improve the facility and the playing conditions. Mr. Cody said that if things were planned correctly at Charger Field, all this wouldn't be needed. He was upset that the town never approached the Chargers to work with them. The Mayor said Croydon Hall doesn't have baseball fields to contend with. Mr. Cody stated that only two of the four baseball fields are used. The Mayor then asked Mr. Mercantante to weigh in. Mr. Mercantante said the original study did not include any baseball fields. He said there was no parking at all at Charger Field which was the reason to build on Middletown-Lincroft Rd and Thompson School. He stated that Charger Field is not a good location and the Recreation Master Plan steers the town toward multi-purpose use and that the turf field would not fit at Charger field.

Sarah Hammond said they have 300 signatures on a petition against the field at WFSP. The town plans to have an entrance on Everett Rd and the county has a problem with this. The Freeholder's also have a problem with this facility. The town should find a location where you can grow first then build it. Trezza is at the end of a dead end street, which is safe. She was annoyed that people are present with ideas for Charger Field and are not being heard. She hopes that the plan for no lights at WFSP will hold true. Her neighbors are not in favor of having a sports complex at that park.

Bill Heany asked if the Committee had looked at Creek Park in Long Branch? It proves that fields can be overlapped and he knows that the turf field will fit at Charger field if they turf the whole park. He questioned why the Chargers would practice on a grass field and play on a turf field. Croydon Hall practices and plays on turf seven days a week. He feels that the Township Committee is

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dividing the people in town. He was annoyed that nobody by WFSP knew about these plans until it happened. The Mayor said whenever Green Acres is affected, a public meeting has to be held as part of the process and it has not happened yet. He said that it should be held by the end of March. Nothing has happened yet. These public meetings are sort of ad-hoc public meetings about this. The official public meeting when we first get public input was not supposed to be scheduled until this month and that is required by Green Acres rules. Mr. Heany feels that he is getting the runaround and hopes politics are not being played with the children. Mr. Fiore said that the fields need to be used for all sports.

Mary Mahoney echoed Mr. Heany and Ms. Hammond that this was rushed and that is why there is a lack of trust with the Committee. It is also a change of usage because the Master Plan has WFSP at #8 for turf location. She wanted to know why other locations were not considered. The Mayor said they were and asked the Township Engineer, Ted Maloney, to respond. Ted said to make the field level at Nutswamp School would be too costly. Ms. Mahoney countered that the engineers they spoke with do not confirm this. She said that the Master Plan puts the Nutswamp site higher on the list than WFSP. Mr. Maloney said they looked at Nutswamp many times even after trucking in dirt from HS North. Tony Mercantante said the Master Plan was based on public surveys but real designs show different data. Mary said going from Thompson to WFSP jumped many locations in a 4 week timeframe. Mr. Fiore said that the Master Plan Implementation Committee was considering other locations before the BOE resolution.

BUSINESS PORTION OF THE MEETING

Ordinance [2010-3003](#) was introduced with a vote of 5-0. This ordinance is to require all fire and first aid departments to submit a financial audit to the Township as a condition to receive financial support from the town. This ordinance will have a public hearing on March 15 and a final vote will be taken for adoption afterwards.

Ordinance [2010-3004](#) was introduced with a vote of 5-0. This ordinance will authorize certain fees for tax lien redemption calculations. This

ordinance will also have a public hearing on March 15 and a final vote will be taken for adoption afterwards.

Resolutions [10-93](#), renewing the contract with Maser, LLC for GIS Services was passed with a vote of 4-1, with Committeeman Byrnes dissenting. Committeewoman Brightbill commented that this was the last year on the original contract and asked if it would go out to bid next year. The Administrator said that for this service it would. A gentleman from the audience said that that was not true as he approached the podium. The gentleman began talking without identifying himself, until Committeewoman Brightbill introduced him as Todd Costello, Director of MIS with the Township. Mr. Costello's comments were inaudible. Mr. Byrnes stated that even though this is an extension of a three-year contract, it should go out to bid regardless of where it is in the contract phase.

Resolution [10-98](#) was passed with a vote of 5-0. This resolution awarded a contract for CPO services for the Township Swim Club for the coming year.

Resolution [10-100](#), authorizing the issuance of a density bonus letter to the NJHMF for Harmony Glenn Affordables, LLC, was passed with a vote of 5-0.

Resolution [10-101](#), authorizing execution of the Monmouth County Office of the Aging 2010 grant agreement was passed with a 5-0 vote. Committeeman Byrnes asked if the activities conducted would be conducted regardless if the grant was not awarded. He wanted to know if the staff would be occupied doing other things if the grant money was not available. Mr. Mercantante said that these funds are used to supplement the staff salaries for the senior center. Committeewoman Brightbill noted that she has spent a lot of time at the senior center. She would like to see a list of faculty for 2009.

Resolution [10-102](#), authorizing the extension of the contract for the concession stand at the Township Swim Club passed with a vote of 5-0.

Resolution 10-103 (not available) authorizing award of a contract to a state vendor for the purchase of a 2010 Ford Explorer, passed with a vote of 4-1 with Committeeman Byrnes voting no stating that this vehicle was not really needed this

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year. Committeeman Byrnes asked if the Police Chief looked at the pool of available vehicles before submitting this request. Mr. Mercantante said that the town was cycling out all of the older vehicles in the pool. Mr. Byrnes asked who was in charge of the township vehicles. Mr. Mercantante said the Dept. of Public Works was in charge and Mr. Byrnes asked for a cost of maintenance for vehicles. Mr. Maloney said that this was currently in process.

Committeewoman Brightbill said that the Chief had a plan for this vehicle and Mr. Mercantante said that it will be used for a new canine unit. Mayor Scharfenberger said that the vehicle will also have other uses besides the canine unit. Byrnes voted no because he felt that this purchase was not really needed this year.

Resolution 10-104 (not available) authorizing award of contract to a state vendor for a 2010 Ford Explorer (Police K-9 Patrol), passed with a vote of 4-1 with Committeeman Byrnes voting no.

The agenda for the March 15 meeting was read, which includes a vote on Ordinance 2010-3002 ([see below](#)). The discussion items section of the meeting began.

DISCUSSION ITEMS

There was no discussion for items b, d, g, h, i, or j on the agenda.

For item a, Change Orders for 2009 Road Reconstruction and Resurfacing Contract - Committeeman Byrnes noted that the town had a cost savings of \$220k and asked how that came about. T&M Engineer, Rob Keady, explained that quantities on items, like pavement, were reduced.

Item c, Performance Bond Reduction for Chase Bank - Committeewoman Brightbill wanted to know if there were time limits remaining. Rob Keady said if an item still remains the bond is reduced accordingly (30%), no timing deadline is imposed. An amount equal to the cost of the remaining work would be withheld. Tony Mercantante added that a construction official can impose deadlines on a temporary CO.

Item E, PARIS Shared Services Program for 2010-2011- Committeeman Byrnes asked if the two groups hired from the grant were just for imaging. The Town Clerk, Heidi Brunt noted that was the

imaging groups responsibility. Heidi said they are reviewing documents in the building department. They started with records from 2007 and go forward, training each department to do the work as the groups move to other departments. They go through three to four boxes a week. They are close to bringing something online, which is a small portion of agreement. Mr. Byrnes asked if the county expressed support to keep the program going. Heidi said if funding keeps coming, we would have to pay a yearly maintenance fee as our portion. She said that she would set up a tour of the facility.

Item F covered an ordinance implementing requirements for advisory boards and commissions. It drew comments from the Township Attorney, Brian Nelson. He said that the state passed a law to standardize tracking of boards and commissions. He said many boards and commissions were not formed by ordinance and could be considered void. This provides a mechanism to monitor attendance and make a determination to keep members that do not attend board meetings. A standardized application form will be generated for residents to apply to the various boards and commissions. The form is made under the act to remove addresses and phone numbers from the public. It also allows for review of all committees and consideration to keep them.

Item K involved discussion of the Heartland Credit Card Accounts with TD Bank. Tony Mercantante asked Todd Costello, MIS Director, to explain tax payments by credit card. Todd said we now have a third party gateway to handle credit card usage with township fee payments. TD Bank is paying credit card charges to Heartland up until May 1st. As of last week TD Bank will no longer pay fees for the Clerk's Office and the Tax Office. The town typically collects about \$11M in property taxes by credit card and any fees will now be paid by the taxpayer. TD Bank also pays all of our payroll service fees also through ADP. Tony Fiore asked if TD Bank holds any surplus monies of ours. He asked Todd if he could provide a report stating that no other bank could provide this service. Todd explained that this was something that a CFO would do and does not think he is qualified to do this. Todd said that going to another system would not save the township anything. The town will be implementing a system instead of TD Bank doing it for us. He said

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that people that pay these fees by credit card are well aware that they will be paying an additional 3% for using a credit card to pay their taxes and other fees. Item L - Green Initiative -The mayor asked for the town to sign on to a resolution objecting to a LNG facility off our coast. He said that there are other things in the resolution that support marine life preservation and that there are compelling arguments on both sides which should not be a deal breaker.

Item M – Purchasing Items – Mr. Fiore asked for an inventory of all fire equipment numerous times. The Mayor asked to expand the ordinance covering snow removal to include areas around fire hydrants.

Administrator Tony Mercantante said in regard to Leonardo drain improvements that funds might be available to continue work. Funding was not obtained recently, but funds are in place from previous bonds and we should go out to bid.

Committee Comments

Committeeman Sean Byrnes is in favor of meeting with the BOE to discuss all properties in town and their recreation usage. He stated we need a town wide prospective toward resources. He said the state and town are in terrible financial shape and can't sustain what we are doing now. We can't have independent entities operating on their own (BOE, Sewer, Town Committee, Library). We all plow snow, buy things and cut grass and can't afford employees and pensions. Mr. Byrnes is not comfortable that our resources are being maximized as efficiently as they should be. He said some employees will be leaving to get the most from retirement benefits. He said we have to look at the town as a whole.

Committeeman Massell asked Tony Mercantante about looking into replacing the welcome signs in town. He commented on the great snow removal job again. Mr. Massell said the turf field issue is not an easy subject. He said there is no easy answer and not everyone is going to be happy with the outcome. He agreed with Sean to talk with the BOE.

Committeewoman Brightbill was thrilled that people stayed and hoped more would stay involved. She said sports are a big topic in town but

said other issues are just as important. She didn't see a way to find money to build a stadium somewhere that everyone could use. She said that she is stopped in stores because there are things the residents do not know about the turf field issue. Mrs. Brightbill said that they can't change a bond ordinance. She agreed with Sean Byrnes in that we need to sit with the BOE. The consultant that conducted the Recreation Master Plan said they've never worked with a township where the BOE and town were so separate. She is committed to a facility plan. Mrs. Brightbill said everyone needs to speak to each other more calmly. She said the BOE does not want the Chargers to play at HS South and the Chargers don't want to play there either. They don't control Pop Warner and the Committee can't ask the BOE to allow them to play at HS South. The town is trying to do what's best for everyone.

Mr. Fiore said that Pam summed up a lot of what he wanted to say. He agreed with Sean about working with the BOE and the Mayor and he will be meeting with the BOE on Thursday. He doesn't want to displace a group that wants to stay where they are. WFSP will benefit from a turf field but a decision will be made based on professional recommendations. Mr. Fiore said they need to standardize monthly reports with each department. He said that every department is reporting differently and he needs to know how much they are allocated and how much they are spending. The budget is still the most important factor. He is encouraged by the Trenton administration in what they are asking regarding sick time and health benefits.

Mayor Scharfenberger stated when they hear "Why don't you just do this?" things are simplified down below where it should be. There is nobody sitting on the dais that is more neutral. They are trying to do nothing more than what is best and accommodate everybody. He and Mr. Fiore are meeting with the BOE and have high hopes in creating a dialogue that has been going on a few years and will try to do more shared services. It is very early in the process and nothing has been done with the turf fields. He commented on the phenomenal job the governor is doing and is taken back at some of what he is doing. The Mayor said

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sometimes when things get desperate you have to do desperate things.

PUBLIC COMMENTS AFTER TOWNSHIP BUSINESS:

Anthony Maloney said he was impressed with tonight's discussion and sees hope. He felt if we are both saying the same thing then there is a solution. Mr. Maloney said we should look ahead when considering projects and that we must change our system and how we do business in all levels of government. We should make every entity accountable of what they spend.

Andrea Portagallo was thankful for the letter to the BOE but wanted the Committee to reopen discussion about Thompson School. She asked why there wasn't a discussion about Lincroft Acres. Tony Mercantante responded to say that they wanted two soccer fields and met larger opposition. Andrea felt that with the cuts in school funding we should require fields to be shared at the schools. Township Attorney Brian Nelson said towns are not independent entities but are under the jurisdiction of the state and we have to abide by what the state says.

Scott Kirshner said that the realization of a sports complex is gone and the Chargers still need a field. He asked if it is impossible to have turf at Charger Field. The Mayor said if baseball is there, then yes. Tony Mercantante said there is no room for a practice field plus parking, but contractors can apply to fill in wetlands. Mr. Kirshner asked if the fields could be reconfigured. Mr. Mercantante said fields can only go one way - East/West. Mr. Kirshner wondered where the Chargers would go if they keep growing. Will they put a baseball field at River Plaza School? Mr. Mercantante said there was not enough room there.

Heather (last name was inaudible) commented on the phenomenal job done on snow removal and questioned the status of COAH. The Mayor said nobody has seen any final legislation. Attorney Nelson said the governor signed an executive order to have a task force look at COAH rules, but a fair share housing group filed for a stay and arguments will be held in the courts. S1 had 2 hearings in committee and will be voted on March 8, which will eliminate COAH but not the town's obligations to provide affordable housing. The Mayor said we are working with the chair of the

committee to change some things to completely eliminate the whole program.

Jim Grenefage said Mr. Fiore had said there is one tax bill we all pay. When he moved to Middletown in 1998 he was paying \$10k and now is paying \$18k. He was sure there are people paying more and some paying less. He remarked that all government entities could do better. He recalled there were five original committees in Middletown's town charter in 1979 and a finance and personnel committee was one of them. He referred to an article by Jack Archibal of the Atlantic Highlands Herald (<http://ahherald.com/index.php/Body-Politic/municipal-budget-time.html>) citing the need for a finance committee and how other towns use it. Mr. Grenefage feels a finance committee should have been formed 2 years ago as Sean Byrnes has proposed and that debates on township finances should be broadcast.

David Hartman said that there was once a movie called "Field of Dreams" and feels that if you build a field, they will come. He said don't waste this opportunity. Build it now.

Stan Gelfman said that based on what Pam Brightbill said about respect, he is astonished watching the Township Attorney sitting up there laughing and making light of the turf field issue. The Committee is trying to put a square peg into a round hole. He felt we all need to turn around and vote out those that don't cooperate. He stated that the only person making suggestions was Sean Byrnes.

Bill Thorpe asked how much was bonded and how much was left. Mr. Mercantante said \$2.4M was bonded and he wasn't sure how much was spent on design. Mr. Thorpe heard tonight that there is \$2M for Parks Recreation salaries and the fields are in poor condition. Mr. Thorpe said something different needs to be done to maintain existing fields. He also wanted to know where we are going to get money to pay for this bond. He suggested that the town should just repay the bonds.

Rob Scarra said poor field conditions are due to poor planning by the township. The fields cannot be played on constantly because they need rest. Looking at Charger map demonstrated how a multi purpose field can fit on that site. Mr. Scarra also mentioned that there is no need to play on a full sized soccer field.

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**RESOLUTION NO. 10-93
TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH
RESOLUTION AUTHORIZING CONTINUATION OF CONTRACT FOR
PROFESSIONAL GIS SERVICES WITH MASER CONSULTING, P.A.**

WHEREAS, the Township of Middletown by Resolution 2002-158 contracted with Maser Consulting, P.A. to establish a GIS land and tax data map base that would be accessible from various Township officers and provide accessibility to information on the appropriate 24,000 land parcels in the Township; and

WHEREAS, by Resolution 2003-145 the Township contracted with Maser to expand the GIS product system by establishing web-based Internet access permitting expanded use by Township officials and Internet accessibility by the public to certain information on properties; and

WHEREAS, the Township originally sought competitive proposals from qualified GIS professionals pursuant to the fair and open process as per N.J.S.A. 19:44A-20.5 for a contract for the providing of GIS system maintenance and hosting services, including hosting of the two Township GIS sites, providing support for the sites, providing updates to Township GIS program, providing preparation of Township presentation mapping, providing GIS/GPS enhancement services, and providing GIS/GPS training services; and

WHEREAS, the contract was solicited for a one year term with the option to the Township for additional one year extensions up to a total term of seven years as permissible per N.J.S.A. 40A:11-15(5) for data-related services; and

WHEREAS, Maser Consulting, P.A. is a recognized engineering and GIS consulting firm with an expertise in preparing and maintaining GIS databases and Internet-based hosting and the servicing same. The award of the contract to this firm will permit the Township to continue to make appropriate property and tax information more readily available to appropriate Township employees, and the public as appropriate; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, this Resolution is subject to the certification of availability of funds by the Acting Chief Financial Officer; and

WHEREAS, the MIS Officer and Township Administrator recommend that the Contract for these GIS services be awarded to Maser so as to provide a continuation of these proprietary and important GIS services and Internet accessibility with a proven and capable contractor and the Local Public Contracts Law authorizes the contracting for such services for the term proposed pursuant to N.J.S.A. 40A:11-5 and 40A:11-15(5).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute a contract for the continuation of professional GIS services with Maser Consulting, P.A. in accordance with previously agreed terms and conditions for a term of one more year from the date of adoption of this Resolution.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:11-5(2), this Resolution and the Contract are to be made available for public inspection at the Office of the Township Clerk during regular business hours and that notice of the award of this contract shall be published in the Township's official newspaper.

Committee Member	Approved	Opposed	Abstain	Absent
P. Brightbill				
S. Byrnes				
A. Fiore				
S. Massell				
Mayor Scharfenberger				

It's

March 1, 2010

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CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held February 16, 2010.

WITNESS, my hand and the seal of the Township of Middletown this 16th day of February, 2010.

HEIDI R. BRUNT
TOWNSHIP CLERK

[10-93 return](#)

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Resolution No. 10-98
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
CPO SERVICES

WHEREAS, bids were received on February 4, 2010; and

WHEREAS, four (4) bids were picked up by vendors, and one (1)

Responsive Bid was received as follows:

VENDOR

1. ADD-ON-POOLS

1400 HIGHWAY 35

MIDDLETOWN, N.J. 07748

Bids were advertised as per N.J. State Statutes and affidavit of Publication is on file in the Office of the Township Clerk.

ADD-ON-POOLS, 1400 HIGHWAY 35, MIDDLETOWN, N.J. 07748, shall

Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated February 4, 2010. said bidder being the Lowest Responsible Bidder.

DESCRIPTION

**PROVIDE CPO SERVICES AT THE
MIDDLETOWN SWIM CLUB FOR
A TWELVE (12) MONTH PERIOD**

VENDOR

ADD-ON-POOLS

1400 HIGHWAY 35

MIDDLETOWN, NJ 07748

Whereas, bids have been reviewed by the Purchasing Agent and Gregg A. Silva, Director of Parks and Recreation and it is their recommendation that the contract be awarded to ADD-ON-POOLS, 1400 HIGHWAY 35, MIDDLETOWN, N.J. 07748. in the amount not to exceed \$ 100,000.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey as follows:

1. It hereby awards the contract for "CPO SERVICES" to Add-On-Pools, 1400 Highway 35, Middletown, N.J. 07748, for a total not to exceed \$100,000.00.

2. BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.

3. BE IT FURTHER RESOLVED, this contract is open-ended pursuant to N.J.A.C. 5:30-11-10 with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service, the available funding is found in line item appropriation of the official budget no. 0.27.55.502.000.281 in the amount not to exceed a total of: \$100,000.00.

4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- A. Purchasing Agent
- B. Comptroller
- C. Gregg A. Silva, Director of Parks & Recreation
- D. All of the above bidders

CERTIFICATION

I, HEIDI BRUNT, TOWNSHIP CLERK OF THE TOWNSHIP OF MIDDLETOWN HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE AT THEIR MEETING HELD ON _____ 2010.

WITNESS MY HAND AND SEAL OF THE TOWNSHIP CLERK OF MIDDLETOWN THIS ____ DAY OF _____ 2010.

HEIDI BRUNT
TOWNSHIP CLERK

[Return](#)

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**RESOLUTION NO. 10-100
TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A "DENSITY BONUS LETTER"
TO NJHMFA FOR HARMONY GLENN AFFORDABLES, LLC**

WHEREAS, on February 7, 2007, the Township of Middletown's Planning Board approved the application of Harmony Road Associates to develop a multi-family residential development located at the intersection of Harmony Road and Route 35, on Block 615, Lot 82, consisting of ninety (90) total units, of which eighteen (18) were designated as inclusionary affordable housing rental units (the "Project" or "Harmony Glenn"); and **WHEREAS**, the Township of Middletown adopted Resolution No. 08-130 on April 7, 2008 determining that the eighteen (18) proposed affordable housing rental units to be sponsored by Harmony Glenn Affordables, LLC (the "Sponsor") as part of the Project would meet an existing need for affordable housing within the municipality; and

WHEREAS, due to the current state of the economy and residential real estate market, the Township of Middletown passed Resolution 10-62 on January 21, 2010, authorizing a Payment in Lieu of Taxes ("PILOT") in order to facilitate and ensure the completion of the eighteen (18) affordable housing rental units; and

WHEREAS, the Sponsor has submitted an application to the New Jersey Housing & Mortgage Financing Agency ("NJHMFA") to obtain tax credit financing in order to complete the construction of the eighteen (18) affordable rental housing units therefore satisfying a need of the Township of Middletown pursuant to its COAH obligations; and

WHEREAS, as part of the application to the NJHMFA, the Township Attorney or Planning Board Attorney is required to submit a letter that the project has either not obtained a "density bonus" pursuant to N.J.A.C. 5:80-33.2 or that the project has received a density bonus, but that the density bonus is insufficient to assure the financial feasibility of the project; and

WHEREAS, based upon due inquiry with the Township Planner and a review of the file, the Township Attorney has drafted a letter as required by NJHMFA which is attached hereto as Schedule A stating that the project has not received "density bonus" as defined in N.J.A.C. 5:80-33.2; and

WHEREAS, the NJHMFA requires that the density bonus letter drafted by the Township Attorney or Township Planning Board Attorney be approved by the Township Committee by resolution as part of its tax credit application process.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey the letter attached hereto as Schedule A confirming that the Project has not received a "density bonus" as defined by N.J.A.C. 5:80-33.2 is hereby authorized, approved and ratified to be filed with the NJHMFA.

MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
P. Brightbill				
S. Byrnes				
A. Fiore				
S. Massell				
Mayor Scharfenberger				

CERTIFICATION

I, Heidi Brunt, Clerk of the Township of Middletown hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their public meeting held on March 1, 2010.

WITNESS, my hand and the seal of the Township of Middletown this ____ day of March 2010.

[return](#)

HEIDI BRUNT, TOWNSHIP CLERK

YOUR TOWN HALL

Resolution No.10-101

RESOLUTION AUTHORIZING EXECUTION OF

THE MONMOUTH COUNTY OFFICE ON AGING 2010

GRANT AGREEMENT 13-014 FOR SENIOR SERVICES

WHEREAS, the Monmouth County Board of Chosen Freeholders has authorized Grants in the amount of \$32,500.00 during the year 2010 for the funding of certain programs at the Middletown Senior Center as detailed in a Letter of Intent; and

WHEREAS, the receipt of the grant requires a resolution accepting this funding and authorizing the execution of the 2010 Grant Agreement with the County of Monmouth providing for the use of the funds in accordance with the terms of the grant; and

WHEREAS, this authorization will provide funding for certain health, fitness, education and transportation programs providing benefits to senior citizens utilizing the Senior Center and is appropriate for execution.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township of Middletown accepts the Grants in the amount of \$32,500.00 for the purpose as set forth in the Letter of Intent from the Monmouth County Office on Aging and the Mayor, Chief Financial Officer, and Township Clerk are authorized to execute the 2010 Grant Agreement with the County required for such funding and grants.

Committee Member	Approved	Opposed	Abstain	Absent
P. Brightbill				
S. Byrnes				
A. Fiore				
S. Massell				
Mayor Scharfenberger				

CERTIFICATION

I, Heidi Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held March 1, 2010.

WITNESS, my hand and the seal of the Township of Middletown this 1st day of March, 2010.

HEIDI BRUNT
TOWNSHIP CLERK

[return](#)

YOUR TOWN HALL

Resolution No. 10-102

RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT FOR CONCESSION STAND LEASE FOR MIDDLETOWN SWIM AND TENNIS CLUB

WHEREAS, the Middletown Swimming Pool Utility awarded a contract for the Concession Stand Lease for the Middletown Swim Club to Pasquales Pizza on March 16, 2009 to provide said services for a twelve (12) month period with an option for an additional twelve (12) months agreeable by both vendor and the Middletown Swimming Pool Utility; and

WHEREAS, the Director of Parks and Recreation has determined that extending the contract would be in the best interest of the Middletown Swimming Pool Utility, and would like to execute said option for an additional twelve (12) months with no increases from the original contract amount of \$ 1500.00 payable to the Township in three (3) equal installments;

NOW THEREFORE BE IT RESOLVED, by the Middletown Swimming Pool Utility, Township of Middletown, County of Monmouth, State of New Jersey as follows:

1. It hereby awards an extension of the existing contract for an additional twelve (12) months to Pasquales Pizza, 147 Cherry Tree Lane, Middletown, N.J. 07748 for a total of \$ 1500.00 payable to the Township of Middletown.

BE IT FURTHER RESOLVED, this contract was awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5 et seq.

Committee Member	Approved	Opposed	Abstain	Absent
P. Brightbill				
S. Byrnes				
A. Fiore				
S. Massell				
Mayor Scharfenberger				

CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held March 1, 2010.

WITNESS, my hand and the seal of the Township of Middletown this 1st day of March , 2010.

HEIDI R. BRUNT
TOWNSHIP CLERK

[return](#)

YOUR TOWN HALL

**PLEASE PUBLISH THE FOLLOWING NOTICE AND ORDINANCE WITHIN THE
February 19, 2010 EDITION.**

TOWNSHIP OF MIDDLETOWN NOTICE

This is a copy of Ordinance No. 2010-3002 that was introduced at a scheduled meeting of the Township Committee of the Township of Middletown, February 16, 2010 held over for further consideration upon second reading and final passage at a meeting of the Township Committee to be held in the Main Meeting Room in the Township Hall, One Kings Highway, Middletown, on Monday, March 15, 2010 at 8:00 p.m., at which time all persons interested will be given an opportunity to be heard.

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, COUNTY OF MONMOUTH AMENDING CHAPTER 16, PLANNING AND DEVELOPMENT REGULATIONS FOR PERFORMANCE RESIDENTIAL DEVELOPMENT, BUILDING HEIGHTS, AND RETAINING WALLS

WHEREAS, Middletown Township's Planning and Development regulations include standards that control the location, scale and type of land uses within the Township; and

WHEREAS, on October 27, 2004, the Middletown Township Planning Board adopted a Comprehensive Master Plan, and said Master Plan was reaffirmed and readopted by the Planning Board on October 1, 2008, and thereafter updated on July 15, 2009; and

WHEREAS, on July 15, 2009, the Middletown Township Planning Board adopted a Master Plan Reexamination Report; and

WHEREAS, on October 26, 2009, the Middletown Zoning Board of Adjustment adopted a an Annual Report with certain recommendations for amendments to Planning and Development regulations; and

WHEREAS, the Middletown Township Committee routinely reviews various zoning standards and regulations in order to address particular issues discussed in the Master Plan, Master Plan Reexamination Report and Zoning Board Annual Report relative to implementation of various zoning regulations on a Township-wide basis; and

WHEREAS, in accordance section 40:55D62 of the Municipal Land Use Law, the Middletown Township Committee is charged with adopting zoning standards ordinances relating to the nature and extent of uses of the land and of buildings and structures thereon in order to protect the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

(Additional regulations or amended text indicated in **bold type**; deleted text is shown in *strikethrough italics*.)

SECTION 1:

16-8.16, Performance Residential Development, is hereby amended as follows:

Performance residential development may be permitted as a conditional use in the zones specified provided that the use and/or structures shall adhere to the following:

- A. Objectives: In order to allow maximum utilization of land while insuring against detrimental impacts upon the environment, neighboring properties and the public interest; to encourage and promote planned residential development which will result in the conservation of energy and municipal services as well as the preservation of open space, the eco-sensitive lands; to provide the necessary flexibility to ensure the development of land consistent with its natural topographic features, unique physical characteristics which mandate special attention and treatment, and to facilitate cost effective land development which in turn will permit construction of a wider variety of types of dwelling units.
- B. Minimum Requirements: Performance Residential Development shall be a permitted conditional use in the zones specified provided that the applicant complies with all of the following requirements and regulations.

YOUR TOWN HALL

1. No Performance Residential Development shall be permitted **at tracts** that contains less than a minimum of **20 five (5) acres** ~~in the R22, R-30, and R-45 Zones; or less than a minimum of 40 acres in the R-90, R-110, R-130 and R-220 zones.~~
2. ~~Prior to making a formal application the~~ **An** applicant must satisfactorily demonstrate to the Municipal Agency that the proposed site and project meets the following criteria and will result in a superior alternative to conventional development.
 - a. That the proposed site involves at least one of the following features:
 - 1) The configuration; shape, topography, or contours of the site does not readily lend itself to conventional residential subdivision or land planning;
 - 2) The site contains **or is adjacent to** a body of water, *or* waterway **or identified scenic roadway; includes wooded areas**, unique vegetation, farmland usage or other natural, topographic or manmade features which require special consideration and preservation in conjunction with the development of the site;
 - 3) The site is uniquely situated by reason of adjacent or bordering uses or facilities so as to encourage its residential development in an economically feasible manner with due consideration of and protection or buffering from and for such adjacent uses or facilities; or
 - 4) The site possesses or involves unique features which would encourage residential development thereof pursuant to these PRD regulations in accordance with the Master Plan of the Township of Middletown as may be specifically determined by the Municipal Agency.
 - b. That the proposed project, if developed pursuant to these Performance Residential Development Regulations, will achieve at least two of the following intended purposes:
 - 1) The preservation, protection, maintenance, or enhancement of any of the considerations specified in subsections (2) A1, (2) A2, or (2) A3.
 - 2) The development of a portion of the site while retaining a significant portion -of the site in its existing natural state.
 - 3) The construction of residential dwellings and improvements which will result, when compared to alternative conventional subdivision or land plans, in a substantial decrease in public improvements and accompanying municipal services and energy usage.
 - 4) The creation of a planned residential community with recreational amenities or other development features which will provide a creative alternative type of housing consistent with the intended purposes of this Section and as determined by the Municipal Agency.

C. Standards and Regulations

1. Land uses: These regulations shall only be applicable to proposed developments of single-family dwellings and two family dwellings as defined in Section 16-2.3 herein. Patio-homes, atrium homes, zero lot line homes, village homes, and duplex units as defined in Section 16-2.3, shall be permitted uses. In addition, recreation and other common facilities for the use and benefit of the residents of the performance residential development are permitted, including but not limited to the following:
 - a. Tennis courts, handball courts, playfields, golf courses, and other similar recreation areas.
 - b. Swimming pools
 - c. Pool buildings
 - d. Community buildings
 - e. Play areas, picnic areas, parks
 - f. Facilities and improvements associated with the use and enjoyment of the natural amenities of the site.
 - g. Farming and other agricultural uses shall also be permitted as long as such areas are deed restricted as permanent open space/farmland.
2. Density
 - a. Minimum number of dwelling units: The number of dwelling units permitted in a performance residential development shall not be fewer than the number of dwelling units that would be allowed under conventional

YOUR TOWN HALL

development of the tract meeting the full requirements of the zone district in which the proposed development is located.

b. Maximum number of dwelling units: The maximum number of dwelling units permitted in a performance residential development shall not exceed the number of dwelling units that would be allowed under conventional development of the tract meeting the full requirements of the zone district in which the performance development is located, **provided, however, that the Municipal Agency may based upon consideration of site location, access, topography, other natural features, and other factors deemed relevant by the Municipal Agency increase allowable densities not to exceed the following:**

Zone	Density (Dwelling Units/Gross Acre)
R-22	2
R-30	1.5
R-45	1.0
R-90	.50 .60
R-110	.40 .48
R-130	.30 .33
R-220	.20 .28

c. No more than 20% of Class I Critical Areas and no more than 80% of Class II Critical Areas as regulated in Section 16-6.24 may be included in calculating maximum allowable density.

d. The dwelling unit yield resulting from the density calculation per subsection 2.b above may be increased by up to 10% if verification is provided at the time of final approval that all dwelling units will be constructed as Energy Star Homes to have a minimum pre-construction Home Energy Rating System (HERS) index score of 65, thus ensuring 35% more energy efficiency than standard home construction. The Municipal Agency may consider reasonable flexibility in the lot requirements set forth in subsection 3.a and 5.a below to achieve enhanced energy efficiency.

3. Lot Requirements:

a. Lot area and yard requirements for performance residential developments shall conform to the following:

Zone	Minimum Lot Area SF	Minimum Front Setback	Minimum Rear Setback	Minimum Distance Between Buildings
R-22	10,000 6,000	25'	35'	20' 15'
R-30	10,000 7,000	25'	35'	20' 15'
R-45	15,000 8,000	25'	35'	25' 20'
R-90	20,000 12,000	25'	50'	35' 25'
R-110	24,000 14,000	30'	55'	40' 30'
R-130	30,000 17,000	30'	55'	45' 30'
R-220	40,000 20,000	40' 30'	55'	50' 30'

b. Minimum front setbacks shall be staggered in order to enhance the visual impact of the streetscape. In order to accomplish this front setbacks may be reduced by 15%, as long as the average for all front setbacks equals the minimum required in (a) above.

4. Open Space:

a. Open space as defined in Section 16-2.3 shall be provided within each performance residential development in accordance with the following schedule.

Zone	Minimum Percent of Gross Tract Areas Designated as Open Space
R-22	45%
R-30	45%
R-45	60%
R-90	60%
R-110	60%
R-130	60%
R-220	60%

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b. Open Space regulations and design standards shall be as specified in Section 16-6.27F

5. Dwelling Requirements:

a. Minimum floor area requirements for dwellings located within performance residential developments shall be as specified in the following schedule.

Zone	Minimum Gross Total Floor Area (SF)	Maximum Gross First Floor Area (SF)
R-22	1,400	1,200
R-30	1,500	1,500
R-45	1,600	1,600
R-90	1,700	1,800
R-110	1,800	2,000
R-130	1,900	2,000
R-220	2,000	2,200

b. No dwelling unit shall exceed 35 feet in height or 2-1/2 stories.

c. Maximum Floor Area Ratio for dwellings in the R-90, R-110, R-130 and R-220 zones shall be established by the appropriate board at the time of approval.

6. Parking requirements:

a. Off-street parking shall be provided in accordance with ~~Section 16-6.26~~ **the Residential Site Improvement Standards.**

7. Performance residential developments shall conform to all standards and regulations contained within this chapter not in conflict with those specified within this section.

8. The maximum total lot coverage for all lots within a performance residential development shall be forty (40) percent.

16-6.24, Lot Design and Critical Area Requirements, is hereby amended as follows:

K. Minimum Circle Diameter

1. The building envelope for any lot shall be of such dimensions that it shall be able to contain within it the shape of a circle whose minimum diameter is not less than as prescribed as follows:

MINIMUM CIRCLE DIAMETER (in feet)

ZONE R220 R150 R130 R110 R90 R45 R45A R40 R30 R22 R22A R15 R10 RTF R7 R5 RO

Interior

Lots 158 158 158 153 140 125 NA 90 99 77 NA 63 50 NA 50 32 30

2. The minimum required circle diameter may be reduced by 40% at lots that predominantly front upon a cul-de-sac bulb.

3. Any existing detached single-family dwelling which is a conforming use but which is on a lot made nonconforming by the provisions of this section, or was established as part of a performance residential or cluster development, may be enlarged or expanded within its building envelope provided that such expansion conforms to all other zone district regulations.

4. **The requirements specified in 16-6.24.K.1 shall not apply to lots created as a result of an approved Performance Residential Development.**

SECTION 2:

16-2.3, Definitions, is hereby amended as follows:

“Building Height” means the vertical distance measured from the average elevation of the existing pre-development grade **and/or “highest adjacent grade” as defined herein** at the four corners of the smallest possible square or rectangle encompassing the proposed building to the highest point of the roof (~~see graphic example below~~) for flat roofs; to the mean height level of the distance measured between the eaves and ridge for gable and hip roofs; **and** to the deck line for mansard roofs. Where property is filled prior to development, building height shall still be measured from the existing pre-

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development grade **and/or “highest adjacent grade” as defined herein.** This shall be determined using Township topographic data available at the time of the adoption of this ordinance or as it may be updated from time to time. ~~In case of property where a structure is to be located in a floodplain or a Flood Hazard Area, Zone ‘V’ or ‘A’, the property may be filled and the corresponding building height shall be measured from no higher than one foot above the applicable base flood elevation.~~

16-9.2.C, “Schedule of Area, Yard and Building Requirements – Single Family, Business and Industrial Zones” is hereby amended relative to Building Heights:

**** In all zones the maximum building height for single family dwellings on lots of ~~50~~ 100 feet in width or less as measured at the street line shall be 28 ~~ft~~ feet. Building height may be increased one foot for every ~~two~~ five feet of lot width above ~~50~~ 100 ~~ft~~ feet, but in no case shall exceed 35 ~~ft~~ feet.**

SECTION 3:

16-2.3, Definitions, is hereby amended as follows:

“Fence Height” means the distance from ground level immediately adjacent to the fence to the top of the fence. Architectural embellishments or decorative features can exceed the height limit by up to twelve inches as long as they do not result in a continuous barrier which is less than 75% open. ~~This shall not apply to retaining walls except that any retaining wall constructed to retain fill and located in a required yard, shall not exceed 3 feet in height.~~

“STRUCTURAL RETAINING WALL” shall mean a retaining wall three (3) feet in height or greater, constructed of heavy creosote timber or logs (aka “railroad ties”), or reinforced concrete, other reinforced masonry or of other acceptable construction, and required in order to prevent collapse or erosion because the property to be retained is at a natural grade higher than that of the property toward which the wall faces.

16-6.16, Fences and Hedges, is hereby amended as follows:

Fences, **Walls** and Hedges

- A. Fences, hereafter erected, altered or reconstructed in all residential zones in the Township shall not exceed six feet in height above ground level.
- B. Fences erected, altered or reconstructed in all nonresidential zones in the Township shall not exceed eight feet in height above-ground level, except as follows:
 1. Fences, which are not open fences as defined in this Chapter, located in a required front, street side or street rear yard, shall not exceed thirty-six inches in height.
 2. In any business or industrial zone, open wire fences not exceeding eight feet in height may be erected in the rear or side yard areas and behind the required front street side or street rear yard setback line.
 3. On park, recreation or school properties, open wire fences not exceeding eight feet in height may be erected in the rear or side yard areas and behind the building setback line.
 4. Fences specifically required by other provisions of this Chapter and other municipal and State regulations.
- C. **All fences shall be set back a minimum of three (3') feet from the top of a structural retaining wall. Any fence proximate to or associated with a structural retaining wall shall be set back at least fifteen (15') feet from a property line.**
- D. Barbed wire, razor wire, canvas or cloth fence and fencing construction are prohibited in all zones in the Township. The ban on barbed wire shall not apply to fencing located on and necessary to the operation of a farm or to barbed wire strands placed atop security fencing six feet high or more around a conforming commercial or industrial use, provided that the fencing conforms to all other standards and that no barbed wire fencing be permitted in the front yard of the non-farm uses.
- E. All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of the tract of land of the property upon which the fence is erected.

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- F. All fences must also comply with the provisions of Chapter 8 of the Code of the Township of Middletown except where in conflict with the technical provisions of this Section.
- G. Tennis court fences, baseball and softball backstops and spectator protective fencing are exempt from the requirements of this section provided they are not located within any required yard area. Located outside of any required yard area, they are subject to the height limitations of the particular zone district.
- H. Fences which are painted shall be painted in only one color, harmonious with the surrounding area. Multicolored fences are prohibited.
- I. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
 - 1. In the M-C Marine Commercial Zone, open fences of a height of twelve (12') feet or less are permitted within the front setback. Such fences shall be used for recreational purposes only and shall be located no closer than ten (10') feet to the front lot line.

J. Structural retaining walls.

- 1. Structural retaining walls shall not exceed three (3) feet in height within a required setback area.
- 2. Staggered or tiered walls shall be considered single walls unless there is a minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than two (2) times the height of the lower section or tier. If there are more than three (3) single sections or tiers, the minimum distance between the top of the third tier and the base (toe) of the next higher section or tier shall be not less than two and one half (2-1/2) times the height of the lower section or tier.
- 3. In no case may a single section of a tiered wall exceed three (3) feet in height within a required setback area.
- 4. The base of a structural retaining wall shall be setback a minimum three (3) feet from a property line.
- 5. The structural design of all structural retaining walls shall be approved by the Township Engineer.
- 6. General construction details of the proposed walls must be provided as part of Preliminary Major Subdivision or Site Plan applications. The final design of the construction details of the proposed walls must be provided as part of Final Major Subdivision or Site Plan applications.

K. No fence or wall shall be erected so as to encroach upon a public right-of-way.

SECTION 4:

Should any section or provision within this ordinance be found to be illegal or unconstitutional by any court of competent jurisdiction, such finding shall have no effect on any of the remaining sections or provisions.

HEIDI R. BRUNT
TOWNSHIP CLERK

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YOUR TOWN HALL

**PLEASE PUBLISH THE FOLLOWING NOTICE AND ORDINANCE WITHIN THE
March 5, 2010 EDITION.**

TOWNSHIP OF MIDDLETOWN NOTICE

This is a copy of Ordinance No. 2010-3003 that was introduced at a scheduled meeting of the Township Committee of the Township of Middletown, March 1, 2010 held over for further consideration upon second reading and final passage at a meeting of the Township Committee to be held in the Main Meeting Room in the Township Hall, One Kings Highway, Middletown, on Monday, March 15, 2010 at 8:00 p.m., at which time all persons interested will be given an opportunity to be heard.

ORDINANCE REQUIRING ANNUAL SUBMITTAL OF FINANCIAL AUDITS FROM MIDDLETOWN FIRE COMPANIES, FIRST AID AND RESCUE SQUADS AS CONDITION OF RECEIPT OF FINANCIAL SUPPORT

WHEREAS, pursuant to N.J.S.A. 40A:14-33 and 40A:14-34, the Township annually provides significant direct and indirect financial support in excess of \$1 million to its eleven (11) all volunteer fire companies and five (5) rescue squads which provide extraordinary services at a great savings to the taxpayers of the Township; and

WHEREAS, each of these entities, while recognized by Township ordinance, are independently incorporated non-profit organizations that own the land and buildings out of which they operate that derive revenue from various sources, including certain activities hosted on their properties; and

WHEREAS, extraordinary economic conditions require that the Township acquire all necessary financial data to ensure the efficient expenditure of any and all public funds; and

WHEREAS, the Township Administrator has recommended that, as a condition of the receipt both direct and indirect financial support from the Township, each recognized fire company, first aid and rescue squad file a copy of its annual financial audit and statements with the Township's Chief Financial Officer in conjunction with other budgetary documents to assist in the preparation of the Township's annual budget.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that §§ 24-4 and 28-6 of the Code of the Township of Middletown (1996) are hereby supplemented and amended as follows:

§ 24-4. Township contributions; operating budget.

- A. Each of the companies named in § 24-3 ~~shall~~ **may receive an annual contribution from the Township within the limits set by law a minimum sum of thirty thousand dollars (\$30,000) annually, or such other amount permitted by law** and budgeted by the Township Committee to be paid quarterly, that is to say, on the 15th day of April, July, October and December in each year, by the check or draft of the Township ~~Treasurer~~ **Chief Financial Officer** or such other financial officer as may be directed by the Township Committee to make such payments. Such payments shall be made for the purpose set forth in N.J.S.A. 40A:14-34 and shall be subject to the provisions contained therein.
- B. An operating budget shall be submitted by the Fire Department to the Township's **Chief Financial Officer** ~~Committee~~ each year for inclusion in the Township budget.
- C. **As a condition of the receipt of contributions made by the Township or financing for new equipment or other capital expenditures, each fire company shall submit its annual audit and related financial statements to the Township's Chief Financial Officer in the same manner as is required as if the company were a fire district pursuant to N.J.S.A. 40A:14-89 within thirty (30) days after expiration of its fiscal year without the requirement that the audit be published in a newspaper. All audits must be performed in accordance with Generally Accepted Accounting Standards (GAAS) and are encouraged to be prepared in accordance with FASB (accrual basis) standards or OCBOA (other comprehensive basis accounting) standards utilizing cash basis statements. A waiver of these requirements may only be secured with the express written permission of the Township Administrator with an explanation for the same to be provided to the Township Committee.**

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§ 28-6. Township contributions.

- A. Each first aid and rescue squad named in § 28-2 in operation in the Township ~~shall~~ may receive an annual contribution from the Township, within the limits set by ~~the statutes of the State of New Jersey law and budgeted by the Township Committee~~ to be paid each quarter-annually, on the 15th of April, July, October and December, in each year, by check of the Township ~~Treasurer~~ Chief Financial Officer or such other financial officer as may be directed by the Township Committee to make such payments.
- B. Each first aid and rescue squad receiving contributions from the Township shall enter into a contract with the Township to perform first aid or rescue work in its designated territories or other areas, at the call of the Township Police Department.
- C. An operating budget shall be submitted by each first aid and rescue squad to the Township's Chief Financial Officer each year for inclusion in the township budget.
- D. As a condition of the receipt of contributions made by the Township or financing for new equipment or other capital expenditures, each first aid and rescue squad shall submit its annual audit and related financial statements to the Township's Chief Financial Officer in the same manner as is required as if the first aid or rescue squad were a fire district pursuant to N.J.S.A. 40A:14-89 within thirty (30) days after expiration of its fiscal year without the requirement that the audit be published in a newspaper. All audits must be performed in accordance with Generally Accepted Accounting Standards (GAAS) and are encouraged to be prepared in accordance with FASB (accrual basis) standards or OCBOA (other comprehensive basis accounting) standards utilizing cash basis statements. A waiver of these requirements may only be secured with the express written permission of the Township Administrator with an explanation for the same to be provided to the Township Committee.

HEIDI R. BRUNT
TOWNSHIP CLERK

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YOUR TOWN HALL

***PLEASE PUBLISH THE FOLLOWING NOTICE AND ORDINANCE WITHIN THE
March 5, 2010 EDITION.***

TOWNSHIP OF MIDDLETOWN **NOTICE**

This is a copy of Ordinance_No_2010-3004 that was introduced at a scheduled meeting of the Township Committee of the Township of Middletown, March 1, 2010 held over for further consideration upon second reading and final passage at a meeting of the Township Committee to be held in the Main Meeting Room in the Township Hall, One Kings Highway, Middletown, on Monday, March 15, 2010 at 8:00 p.m., at which time all persons interested will be given an opportunity to be heard.

ORDINANCE AMENDING CHAPTER 127 OF CODE OF TOWNSHIP OF MIDDLETOWN PURSUANT TO P.L. 2009, C. 320 AUTHORIZING CERTAIN FEES FOR TAX LIEN REDEMPTION RECALCULATIONS

WHEREAS, sections 10 and 11 of P.L. 2009, c. 320 amend N.J.S.A. 54:5-54 and 54:5-97.1, respectively, authorizing governing bodies, by ordinance, to assess fees not to exceed \$50 for each subsequent recalculation of the amount needed to redeem tax sale certificates requested of the tax collector after the first two calculations are provided to eligible parties for free; and

WHEREAS, the Township's tax collector has recommended the adoption of this amendment to the Township's fee ordinances to cover the actual costs of rendering such repeated calculations.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that § 127-21 of the Code of the Township of Middletown is hereby amended and supplemented as follows:

§ 127-21. Office of the Township Clerk.

* * *

J. Tax office:

- (1) [No change]
- (2) [No change]
- (3) [No change]
- (4) [No change]
- (5) [No change]
- (6) Redemption recalculation: fifty dollars (\$50.).

Effective Date.

This Ordinance shall take effect upon its passage and publication according to law.

HEIDI R. BRUNT
TOWNSHIP CLERK

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YOUR TOWN HALL

Letter

Mayor Scharfenberger and members of the Middletown Township Committee --

Unfortunately, I am unable to appear before you this evening. Nevertheless, as one of the founding members of "SONIC", I believe it is important to receive a definitive update on the actions that have been taken since the last meeting with respect to the West Front Street Field issue, especially since there have been on-going and repeated rumors and some public statements made that run counter to the direction set by the MTC as a matter of Public Record.

Specifically, there was a directive by Mayor Scharfenberger to Mr. Mercantante to immediately prepare, for review and release, a letter to the BOE, which was to request a reopening of the discussions concerning careful consideration of all available assets of the Community in seeking to address the quality of our fields issue, as well as alternative fields suitable for consideration for the Pop Warner league to utilize.

As the Mayor knows, I spoke with him since the meeting two weeks ago and as late as this past Thursday, and was assured on Thursday that the letter had been drafted and was being edited by the Mayor for immediate release -- and that I would receive both confirmation and a courtesy copy, once released.

As of this writing, I still have not received confirmation or a copy, which is troubling, to say the least. I am not sure, nor can understand why this letter could not be turned around in one or two days, at the most!

Let me now remind you and the other members of the MTC that SONIC had been assured in a meeting with the Mayor during his Saturday office hours, as well as the last MTC meeting on the record, that the project was now "On Hold", pending this joint effort with BOE to seek a solution to this dilemma.

What is clear and most troubling at this time is that there has been both statements made in other public forums by Township representatives, specifically at a recent Pop Warner meeting by Greg Silva, that as I understand it, completely contradict this project status as being "On Hold". This, coupled with other actions and discussions that I have only heard about, also contradict the status you indicated to us.

Accordingly, and for the benefit of those in attendance and the community at large, I am requesting on behalf of the members of SONIC that you enlighten those in attendance as to the specific actions taken over the two weeks since the last MTC meeting, and also planned efforts contemplated or underway in the near term, as it relates to the WFS site.

This will be put to bed the speculation that continues to plague the outcome with respect to this issue.

Thank you.

Jeffrey Blumengold
Member of SONIC

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